UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,361	02/05/2001	Tatsuo Yokota	9333/259	4262

7590   04/21/2005

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EXAMINER
SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/777,361	YOKOTA, TATSUO
	Examiner	Art Unit	
	Steven P Sax	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 January 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3, 5-12* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *7 and 8* is/are allowed.

6)☒ Claim(s) *1-3,5 and 9-11* is/are rejected.

7)☒ Claim(s) *6 and 12* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This application has been examined. The amendment filed 1/10/05 has been

entered.

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

3.   Claims 1-3, 5, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kunimatsu et al (6653948) and Mutoh et al (6606465).

4.   Regarding claim 1, Kunimatsu et al disclose a method for a vehicle navigation

apparatus in which menu items are displayed on a screen and when a predetermined

menu item is selected, a corresponding function is executed (Figure 5, column 2 lines

10-30). The method determines whether a function corresponding to a menu item

displayed on the screen can be executed and if it determines that it cannot be executed,

disables the menu item from being selected (Figure 6, column 2 lines 45-62, column 7

line 55 – column 8 line 5) and displays a reason why the menu items cannot be selected

(column 8 lines 1-25).

Kunimatsu et al do not specifically go into the details of showing that when a predetermined amount of data which can be registered in a memory is in fact registered, a message is displayed indicating that the menu item cannot be displayed due to memory limitations. However, Kunimatsu et al do in fact though show indicating that a menu item cannot be selected due to the system being in a different mode, and such a mode determines which data is currently being registered in a memory (column 3 lines 4-12, column 9 lines 50-67, column 10 lines 14-30). Note also that the function in Kunimatsu et al inherently registers data in the memory. Furthermore, Mutoh et al do disclose that when a predetermined amount of data which can be registered in a memory is in fact registered, a message is displayed indicating that the menu item cannot be displayed due to memory limitations (Mutoh et al column 7 lines 30-50, column 10 lines 25-51, column 11 lines 45-55). Mutoh et al do this to show that a menu item cannot be selected due to the system being in a different mode (such as FAX or copy, etc.), which thus determines which data is currently registered in the memory (again Mutoh et al column 10 lines 25-51, column 11 lines 45-55). It would have been obvious to a person with ordinary skill in the art to display in Kunimatsu et al a message indicating that a menu item cannot be displayed due to memory limitations when a predetermined amount of data which can be registered in a memory is in fact registered, because it would provide a convenient way to indicate that a menu item cannot be selected due to a system being in another mode.

5.   Regarding claim 2, Kunimatsu et al do not specifically state that the message is displayed in the field of the menu item, but do show the disablement in the field of the menu item to clearly identify the nonselectable item (Figure 4E). Furthermore, Mutoh et al show a message indicating reason for why the menu item cannot be selected, in the field of the menu item (column 10 lines 30-40) to clearly identify the nonselectable item. It would have been obvious to a person with ordinary skill in the art to have this in Kunmatsu et al, because it would provide a convenient way to clearly identify a nonselectable item.

6.   Regarding claim 3, the disabled item is displayed so as to be distinguished from the non-disabled items (Kunimatsu et al Figure 4E).

7.   Regarding claim 5, when the vehicle is in traveling mode, items relating to certain stopped mode functions are disabled, and no data for them is in the memory (Kunimatsu et al column 7 lines 55-65). Displaying a message indicating that the menu item cannot be selected due to this, in the field of the menu item, is shown in Mutoh et al. The motivation to combine this into the method of Kunimatsu et al is the same as that described in paragraph 5 of this Office Action.

8.   Claims 9 and 10 recite the same features as recited in claim 5 and are rejected for the same reasons.

9.   Claim 11 recites the same features as in claims 5 and 3, and is rejected for the

reasons combined for which both those claims are rejected.

Allowable Subject Matter

10.   Claims 6 and 12 are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims.

11.   Claims 7-8 are allowable over the prior art of record.

12.   Claims 6, 7-8, and 12, all bring out that the particular function is route guiding,

and that a menu item corresponds to a function that can only be executed while the

vehicle navigation system is performing route guiding, such that when route guiding is

not in progress, the message indicating that the menu item cannot be displayed due to

the fact that route guiding is not in progress, is displayed. Although Kinumatsu et al

discuss the travel mode, these specific features of displaying a particular message

relating to route guiding, in the context of the claims, is not set forth in the prior art of

record.

13.   Applicant's arguments filed have been fully considered but they are not

persuasive. Applicant remarks that Kunimatsu et al do not show that any reason is

displayed when a menu item is not selected, and quote from column 8 lines 1-25.

However, please also note column 3 lines 4-12, column 9 lines 50-67, column 10 lines

14-30, which were cited in the Action to support this. Note that when the mode changes

and a menu item cannot be selected, an indication is given. Note also that the mode

does in fact determine which data is currently registered in the memory, because this is

needed in order to process the function. The claims merely recite "registering data in a

memory in which only a predetermined amount of data can be registered" and this is in

fact the case of how a system such as in Kunimatsu et al operates. Regarding Mutoh et

al, applicant remarks that a message is not displayed when memory limitations have

been filled. However, note that Mutoh et al do show displaying a message when a

mode is changed, and in fact this mode change does determine which function is

registering data in the memory at the time, causing it to be in use and to not allow

another function's data to be registered. Also, regarding independent claim 9, an

indication is given because stopped mode functions are disabled and thus no data for

them is in the memory.

A key feature lies in the interpretation of a 'function registering data in a memory'

and the processing of data, as well as the changing of modes in a data processing

environment. Applicant is invited to contact Examiner to discuss claim interpretation.

14.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time
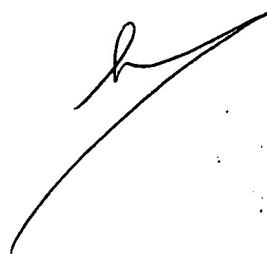
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

15.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Steven P Sax whose telephone number is (571) 272-

4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00

PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

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